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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,602	04/09/2004	Tyrone S. Daniels	375	1566
50293	7590	02/03/2006	EXAMINER	
CHARLES R. WILSON 4729 CORNELL RD CINCINNATI, OH 45241			PASSANITI, SEBASTIANO	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,602	DANIELS, TYRONE S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sebastiano Passaniti	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/09/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This Office action is responsive to communication received 01/06/2006 – Election.

Applicant's election without traverse of Group II (Claims 4-21) in the reply filed on 01/06/2006 is acknowledged.

Claims 1-3 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/06/2006.

Following is an action on the MERITS:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris in view of Ahn, Devore and White. Ferris differs from the claimed invention in that Ferris does not show a second alignment mark on the club head for indicating a face center. Ahn, Devore and White show it to be old in the art to include indicia in the form of a line-shaped marking on the top surface of the head, wherein the line helps to locate the longitudinal center of the head and thus helps to locate the club face center. See marking (10) in Ahn, which consists of a semi-circle marking in combination with a line intersecting the arc; said line being oriented perpendicularly to the plane of the club

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face. Similarly, note line (20) in Devore, wherein the line designates the center of the length of the head. Finally, White shows line (35) oriented perpendicularly to the club face, with the line serving as a portion of an alignment feature located on the top surface of the head. Note, each of the cited references relate to clubs of the putter-type. In view of the patents to Ahn, Devore and White, it would have been obvious to modify the device in the cited art reference to Ferris by including a second alignment mark on the club head for indicating the club face center, the motivation being to simply enable a golfer to more accurately align the club head with a golf ball at address. With respect to the specifics of claim 9, note that mark (30) in Ferris is indeed located on a top portion of the golf grip. As to claim 10, both the first and second marks are line segments. As to claims 11-15 and 19-21, note that Ahn suggests that the indicia on the top of the head may be provided via a raised portion, a sunken portion, a colored portion or otherwise arcuate portion for a golfer to distinguish the marking from the remainder of the head (col. 4, lines 54-65). Similarly, Devore provides line (20) as a groove that may be colored to enhance viewability (col. 2, lines 30-40). In addition, White acknowledges that line (35) is provided with a contrasting color to that of the remainder of the head so that the line is better viewed (col. 2, lines 45-55). The point raised here is that the skilled artisan would have been motivated through the Ahn, Devore and White references to provide a means for identifying the alignment mark on the head portion, i.e., the second alignment mark, so that a golfer may more easily distinguish the mark from the remainder of the head. The fact that the applicant requires the mark to include a medium (claims 11, 19), an embossed image (claim 12),

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a sunken arrangement (claim 13), a raised ridge (claims 14 and 20) or a recessed channel claims 15 and 21) does not patentably distinguish over the combined teachings of the Ahn, Devore and White teachings, as all of these claimed requirements are merely deemed to be obvious variations in the design of the line segment. As to claims 16, 17 and 18, note that line (30) in Ferris is indeed oriented transverse to the length of the putter head.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris in view of Ahn, Devore, White, Duclos and Scott. Ferris in view of Ahn, Devore and White has been discussed, supra. To have further modified the Ferris device by extending the teachings thereof to include other clubs commonly employed by a golfer such as the claimed iron, wedge and driver would have been obvious in view of the patents to Scott and Duclos, both of which obviate the extension of a teaching to apply to clubs of the putter, iron and wood-type. See Figures 6-9 in Duclos. See Figures 1, 3 and 4 in Scott.

### ***Claim Objections***

Claim 17 is objected to because of the following informalities: In line 2, should not "first alignment" read --second alignment-- , since it is the second alignment mark that is physically located on the club head top surface? Appropriate correction is required.

### ***Further References of Interest***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note grip end (3) in Takeuchi. Observe the end portion (b) of the

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grip in reach. See indicia (20) in Adams. Observe Figures 3-6 in Champion. Note ridges (10, 12) in Robinson.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp  
January 31, 2006

  
**Sebastiano Passaniti**  
Primary Examiner